

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMARIO ROBBINS,

Defendant.

DECISION AND ORDER
22-CR-101-A

Defendant Demario Robbins is charged in a 1-count Indictment (Dkt. No. 1) with robbing a pharmacy in violation of 18 U.S.C. 2118(a). The case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings.

On October 20, 2022, the Magistrate Judge filed a Report and Recommendation (“R&R”) (Dkt. No. 13) that recommends Defendant’s motion to suppress physical evidence and statements and for a hearing (Dkt. No. 10-1, ¶¶ 72-82) be denied.¹ No objections to the R&R were filed, and the R&R was therefore deemed submitted.

Because there were no objections to the R&R, the Court reviews the R&R on clear error review.

The Court adopts the reasoning of the Magistrate Judge and deems no further discussion necessary.

¹ At oral argument on Defendant’s omnibus motion, Defendant indicated his motions other than suppression had been resolved. See Dkt. No. 12 (CM/ECF Minute Entry, 10/18/2022).

Upon clear error review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the R&R, it is hereby

ORDERED that the R&R is adopted in its entirety; and it is further

ORDERED that Defendant's motion (Dkt. No. 10-1, ¶¶ 72-82) to suppress physical evidence and statements and for a hearing is DENIED; and it is further

ORDERED that the parties shall appear before the Court on November 8, 2022 at 10:00 a.m. for a status conference to set a date for trial or a plea. The status conference will be held in person and in the Courtroom.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: November 7, 2022
Buffalo, New York